



General Assembly

January Session, 2005

Committee Bill No. 6548

LCO No. 4825

04825HB06548JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING OMBUDSMAN SERVICES AND
DISCIPLINARY PROCEDURES FOR INMATES OF THE DEPARTMENT
OF CORRECTION.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 18-81r of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) For the purposes of this section, "ombudsman services" includes
4 (1) the receipt of complaints by the ombudsman from inmates in the
5 custody of the Department of Correction including inmates housed in
6 other states, regarding decisions, actions and omissions, policies,
7 procedures, rules and regulations of the department, (2) investigating
8 such complaints, rendering a decision on the merits of each complaint
9 and communicating the decision to the complainant, (3)
10 recommending to the Commissioner of Correction a resolution of any
11 complaint found to have merit, (4) recommending policy revisions to
12 the department, and (5) publishing a quarterly report of all
13 ombudsman services activities.

14 (b) The [Commissioner of Correction] Chief Public Defender shall

15 contract for the provision of ombudsman services and shall annually
16 report the name of the person or persons with whom [the department]
17 he or she has so contracted to the joint standing committee of the
18 General Assembly having cognizance of matters relating to the
19 Department of Correction in accordance with the provisions of section
20 11-4a.

21 (c) Prior to any person in the custody of the Commissioner of
22 Correction obtaining ombudsman services, such person shall have
23 reasonably pursued a resolution of the complaint through any existing
24 internal grievance or appellate procedures of the Department of
25 Correction.

26 (d) All oral and written communications, and records relating
27 thereto, between an inmate and the ombudsman or a member of the
28 ombudsman's staff, including, but not limited to, the identity of a
29 complainant, the details of a complaint and the investigative findings
30 and conclusions of the ombudsman shall be confidential and shall not
31 be disclosed without the consent of the inmate, except that the
32 ombudsman may disclose without the consent of the inmate (1) such
33 communications or records as may be necessary in order for the
34 ombudsman to conduct an investigation and support any
35 recommendations the ombudsman may make, or (2) the formal
36 disposition of an inmate's complaint when requested in writing by a
37 court hearing such inmate's application for a writ of habeas corpus that
38 was filed subsequent to an adverse finding by the ombudsman on such
39 inmate's complaint.

40 (e) Notwithstanding the provisions of subsection (d) of this section,
41 whenever in the course of providing ombudsman services, the
42 ombudsman or a member of the ombudsman's staff becomes aware of
43 the commission or planned commission of a criminal act or a threat to
44 the health and safety of any individual or the security of a correctional
45 facility, the ombudsman shall notify the Commissioner of Correction
46 or a facility administrator of such act or threat and the nature and

47 target thereof.

48 (f) If the commissioner has a reasonable belief that an inmate has
 49 made or provided to the ombudsman an oral or written
 50 communication concerning a safety or security threat within the
 51 Department of Correction or directed against an employee of the
 52 department, the ombudsman shall provide to the commissioner all oral
 53 or written communications relevant to such threat.

54 Sec. 2. (NEW) (*Effective July 1, 2005*) Whenever an inmate of a
 55 correctional facility is alleged to have committed an act of misconduct
 56 that is nonviolent in nature, such inmate shall not be subject to
 57 disciplinary action for such misconduct including, but not limited to,
 58 administrative detention until after a disciplinary hearing is held and a
 59 hearing officer has found that the inmate committed such misconduct.

60 Sec. 3. (NEW) (*Effective July 1, 2005*) A hearing officer shall preside
 61 over any disciplinary hearing concerning an alleged act of misconduct
 62 by an inmate of a correctional facility, make findings of fact and, if the
 63 inmate is found guilty of such misconduct, determine the disciplinary
 64 sanction, if any, to be imposed. Such hearing officer shall be a
 65 commissioner of the Superior Court and not be an employee of the
 66 Department of Correction. Any commissioner of the Superior Court,
 67 admitted to practice in this state for at least five years, who is able and
 68 willing to serve as a hearing officer in disciplinary hearings may
 69 submit his or her name to the Commissioner of Correction for
 70 consideration for appointment as a hearing officer. Each commissioner
 71 of the Superior Court shall receive, for acting as a hearing officer in
 72 accordance with this section, one hundred fifty dollars for each day he
 73 or she is engaged as a hearing officer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	18-81r
Sec. 2	<i>July 1, 2005</i>	New section

Sec. 3	July 1, 2005	New section
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Statement of Purpose:

To provide independent ombudsman services to the inmates of the Department of Correction and to ensure that the inmate disciplinary process is conducted fairly.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. GONZALEZ, 3rd Dist.; REP. ALDARONDO, 75th Dist.

H.B. 6548, 6549